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12/08/2009

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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

DETAILED ACTION

Acknowledgements

1. The examiner acknowledges amendment to claim 1 in applicant's submission filed 10 July 2009.

Response to Arguments

2. Applicant's arguments filed 10 July 2009 have been fully considered but they are not persuasive. Response as follow;
3. Regarding the argument on page 12 line one of applicant's remarks; *"Letovsky does not, however, describe a server computer, a network computer, and a plurality of gaming apparatuses that function as recited in claim 1. The Office Action does not specifically equate features of claim 1 to features described in Letovsky. As best as Applicants can determine, the Office Action equates the "event archive backup library server" 15 (Letovsky) with the "network computer" (Claim 1) and the "routing/traffic management server" 90 (Letovsky) with the "server computer" (Claim 1). (See, e.g., Figure 1). The event archive backup library server of Letovsky may archive video "capture of significant time-stamped frames of game play . . . to establish a visual record of a specific wagering device 50 used at a given time by a remote player." (Paragraph [0027]). Nowhere, however, is the event archive backup library server described as having an "operational event controller," as recited in claim 1. The capabilities of the operational event controller as recited in claim 1 are stated above. For example, the operational event controller is "programmed to retrieve operational event data." (Claim 1). Thus, the operational event controller is an active component in that it retrieves operational event data. To retrieve operational event data, the operation event controller may periodically check with the controller in the gaming apparatus to determine if an operational event has occurred. (Claim 1 and page 27 lines 26-29). In contrast, the event archive backup library server described in Letovsky is a passive component; it only serves as a storage device for video capture. If, instead, the "routing/traffic management server" 90 (Letovsky) is equated to the "network computer" (Claim 1), the routing/traffic management server likewise does not include the functions of an "operational event controller" as recited in claim 1. The routing/traffic management server serves a few purposes, as described in Letovsky: controlling a group of wagering devices (Paragraph 0017); managing the gaming servers (Paragraph 0025); polling the gaming servers in order to determine availability (Paragraph 0027); querying a player's account in a*

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financial server (Paragraph 0027). Further functions of the routing/traffic management server are described in paragraphs 0029, 0030, and 0045. Nowhere, however, is the routing/traffic management server described as having an operational event controller that functions as recited in claim 1." The examiner agrees that the reference does have a single device (computer), containing all of the limitations, but by following KSR rationale A. Combining Prior Art Elements According to Known Methods To Yield Predictable Results, as in *Anderson's-Black Rock, Inc v. Pavement Salvage Co.*, 396 U.S. 57, 163 USPQ 673 (1069). "All of the component parts were known in the prior art. The only difference was the combination of the "old elements" into a single device by mounting them on a single chassis. The Court found that the operation of the heater was in no way dependent on the operation of the other equipment, and that a separate heater could also be used in conjunction with a standard paving machine to achieve the same results. The Court concluded that "[t]he convenience of putting the burner together with the other elements in one machine, though perhaps a matter of great convenience, did not produce a new' or different function'" and that to those skilled in the art the use of the old elements in combination would have been obvious. *Id.* at 60, 163 USPQ at 674." In the same way, all of the limitations are taught by the system of Letovsky yet not performed in a single device, yet performing the same predictable result. Though a matter of convenience having a single network computer performing all of these tasks; the fact that these tasks are performed by several servers (network computers) do not produce a different or new function.

4. Regarding the argument directed to the currently amended limitation "periodically checking with a gaming apparatus", the limitation is reviewed on its merits below.

Claim Rejections - 35 USC § 112 2nd Paragraph

5. Claim 48 recites the limitation "said ticket printer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-5, 23-28, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letovsky et al (US Pub. 2002/0151363 A1), in view of McGovern et al (US Pub. 2004/0186858 A1).**

8. Regarding the analogous combination of the references; Letovsky describes a gaming system that permanently stores event data in a storage device; McGovern describes a method of permanently storing data using a write-once device.

9. **Regarding claims 1 and 26-27 and 42;** Letovsky discloses a gaming system comprising:

a server computer; a network computer operatively coupled to said server computer, (abstract) said network computer comprising a permanent data storage device and an operational event controller operatively coupled to said permanent data storage device, said operational event controller comprising a processor and a memory operatively coupled to said processor, (¶ [0012 and 0025] and fig. 1: 90 and 15);

said operational event controller being programmed to periodically check with a gaming apparatus to determine if an operational event has occurred, (¶ [0027] and [0039]);

said operational event controller being programmed to retrieve operational event data, said operational event controller being programmed to permanently store said operational event data on said data storage device, (¶ [0025 and 0027]), and

said operational event controller being programmed to communicate said operational event data to said server computer upon a request from said server

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computer for said operational event data, a plurality of gaming apparatuses operatively coupled to said network computer, (claim 20).

each gaming apparatus comprising: a display unit, a value input device, and a controller operatively coupled to said display unit and said value input device, said controller comprising a processor and a memory operatively coupled to said processor, said controller being programmed to cause said display unit to generate a game display relating to a game, said controller being programmed to determine a value payout associated with an outcome of said game, (¶ [0025]), wherein wagering device 50 is a known gaming device such as a video slot machine; known to be comprised of video displays memory and processors; and

said controller being programmed to communicate said operational event data to said operational event controller, said operational event data comprising one or more of the following data types: accounting data, cashless data, security data, player tracking data and maintenance data, (¶ [0016 and 0018]).

Letovsky discloses the backup as being permanent, but is not explicit to it being a write-once device. McGovern discloses the use of a write-once device to permanently store data on a network system, (abstract).

Because both Letovsky and McGovern teach methods that permanently stores data, it would have been obvious to one skill in the art at the time of applicant's invention to substitute the method of Letovsky's permanent record for the method of write-once memory to archive network data; which would yield the predictable result of using a write-once device to store that permanent data of the Letovsky invention.

10. Regarding claim 2; Letovsky discloses further comprising a plurality of server computers, wherein said operational event controller is programmed to communicate said operational event data to a particular server computer based on said data type, (¶ [0018]).

11. Regarding claim 3; Letovsky discloses further comprising a plurality of said network computers operatively coupled to said server computer and each disposed in a

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different geographic location, wherein: said operational event controller is programmed to communicate said operational event data to an operational event controller of at least one of said plurality of network computers, and said operational event controller is programmed receive operational event data from an operational event controller of at least one of said plurality of network computers, (¶ [0003 and 0011]).

12. Regarding claim 4; Letovsky discloses the system being applied to government sponsored gaming devices, (¶ [0002 and 0030]).

13. Regarding claim 5; Letovsky discloses wherein said gaming system comprises a casino gaming system, (¶ [0002]).

14. Regarding claim 23; Letovsky discloses further comprising a plurality of gaming apparatuses said gaming apparatuses being interconnected to form a network of gaming apparatuses, (fig. 3).

15. Regarding claim 24; Letovsky discloses wherein said controller is programmed to retrieve operational event data from each of said gaming apparatuses and communicate said received operational event data to said data storage device, (¶ [0025 and 0027]).

16. Regarding claim 25; Letovsky discloses wherein each controller is programmed to communicate said operational event data to a data storage device of at least one of said plurality of gaming apparatuses, (¶ [0025 and 0027]).

17. Regarding claim 28; Letovsky discloses wherein said gaming apparatuses are interconnected via the Internet, (fig. 5:403).

18. Regarding claim 44; Letovsky and McGovern disclose all the limitations of claims 1 and 23 from which claim 44 depends on, including wherein each controller is

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programmed to communicate said operational event data to a single-write data storage device of at least one of said plurality of gaming apparatuses, Letovsky (¶ [0027]) and McGovern (abstract), wherein the above combined Letovsky and McGovern invention permanently archives event data into a write-once device.

Examiner's Note

19. Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

12/01/2009

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714